

Is Your Pool / Spa ADA Compliant?

In 2010, the Department of Justice published updated regulations under the Americans with Disabilities Act (ADA). These regulations adopted the Accessible Design, which, for the first time, contain specific accessibility requirements for a number of types of recreational facilities, including swimming pools, wading pools, and spas. In general, the Department plans to work collaboratively and constructively with all businesses including the needs of small businesses that may be unfamiliar with the ADA.

What is the effective compliance date of the ADA standards for pools?

The effective date of the 2010 Standards generally is March 15, 2012. However, and in response to public comments and concerns, the Department has extended the date for compliance for the requirements related to the provision of accessible entry and exit to existing swimming pools, wading pools, and spas to **January 31, 2013**.

What does the ADA require for accessibility of pools?

Title III of the ADA prohibits discrimination on the basis of disability by places of public accommodation, including many private businesses. Title III requires newly constructed and altered business facilities to be fully accessible to people with disabilities, applying the ADA Standards for Accessible Design. In addition, Title III requires businesses to remove accessibility barriers in existing facilities when doing so is readily achievable.

Does a community pool have to provide an accessible means of entry?

Community pools that are associated with a private residential community and are limited to the exclusive use of residents and their guests are not covered by the ADA accessibility requirements. On the other hand, if a swimming pool/club located in a residential community is made available to the public for rental or use, it is covered under Title III of the ADA. If a community pool is owned or operated by a state or local government entity, it is covered by Title II of the ADA.

Are there any tax credits or deductions to help me comply?

Yes. To assist businesses with complying with the ADA, Section 44 of the IRS Code allows a tax credit for small businesses and Section 190 of the IRS Code allows a tax deduction for all businesses. Consult your CPA or visit www.IRS.gov for details.

Call: (877) 880-8963

www.ADAPoolLiftSystems.com

